



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,782	01/02/2002	Ronald A. Katz	228/052	7708

7590

02/12/2003

Attention: Reena Kuyper  
A2D, L.P.  
Suite 315  
9220 Sunset Blvd.  
Los Angeles, CA 90069

EXAMINER

WOO, STELLA L

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 02/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/037,782

Applicant(s)

Katz

Examiner

Stella Woo

Art Unit

2643



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 22-71 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 6) ☐ Other:

Art Unit: 2643

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 42 and 62 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

Claim 42 recites the audio signals as being “provided to said terminal via an autodialer.” However, according to applicant’s specification (see page 24, lines 20-35), the audio signals are provided via a voice generator 44, not an autodialer.

Claim 62 recites interface structure which “receives said caller customer number data entered by a particular caller only as billing data and receives said caller credit card number data only as billing data from a different caller.” However, the examiner fails to find any description of the recited subject matter within applicant’s specification.

Art Unit: 2643

***Claim Rejections - 35 USC § 103***

3. Claims 22-23, 25, 46-49, 54-56, 65-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szlam et al. (US 4,797,911, hereinafter “Szlam”) in view of Gordon et al. (US 4,763,191, hereinafter “Gordon”).

Szlam discloses a voice-data control system comprising:

interface structure (trunk interface control unit 10a13, ANI decoder 10a24, voice recognition module 10a32);

memory structure (mainframe 16, message recorder; col. 17, lines 27-46);

coupling structure (cross-point switch 13 couples with operator terminals 12a-12j);

displaying (customer information is sent to an available operator terminal for display; col. 12, lines 55-64);

processing structure (system controller 11).

Szlam differs from claims 22-23, 25, 46-49, 54-56, 65-71 in that it does not specify testing credit card number data. However, Szlam is directed to a “customer” account servicing system which allows for sales transactions (placing an order from a catalog or advertisement, col. 1, lines 17-20, 45-48) and Gordon teaches the well known receiving of credit card number data from new customers (col. 2, line 65 - col. 3, line 3) such that it would have been obvious to an artisan of ordinary skill to incorporate such receiving and testing of credit card number data from new customers, as taught by Gordon, within the system of Szlam for the billing of sales orders.

Art Unit: 2643

Regarding claims 23 and 54, the customer enters credit card information by dialing (Gordon, col. 3, lines 1-3).

Regarding claim 25, the coupled terminal is a remote operator terminal 12 (Szlam, Figure 1).

Regarding claim 67, in Szlam, customer information, telephone number manually entered by the call and data already stored in database, is displayed at the operator terminal (col. 12, line 22 - col. 13, line 36).

Regarding claim 68, Szlam provides for recording audio signals via a message recorder for later playback to an operator terminal (col. 17, lines 27-46).

Regarding claims 69, Szlam provides for automatic call distribution (ACD) routing of calls via system controller 11 (col. 13, lines 43-53).

4. Claims 24, 50-53, 57-61, 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Szlam and Gordon, as applied to claims 22-23, 25, 46-49, 54-56, 65-71 above, and further in view of Kauffman (US 4,710,955).

The combination of Szlam and Gordon differs from claims 24, 50-53, 58-61, and 63 in that it does not specify testing for use limit. However, as taught by Kauffman (col. 13, lines 59-65), it is well known in the interactive voice-telephony art to test caller data for limiting the number of uses by the caller such that it would have been obvious to an artisan of ordinary skill to modify the combination of Szlam and Gordon by incorporating the use of such testing of call

Art Unit: 2643

data signals, as taught by Kauffman, in order to allow for the limiting of the number of system uses by callers.

Regarding claim 63, in Szlam, calls are placed to verify credit card information (col. 10, lines 35-38).

5. Claims 26-41, 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szlam in view of Kauffman.

Szlam discloses a method for controlling voice-data communications comprising the steps of:

cuing (via message player 10a9);

selectively receiving (via trunk interface control unit 10a13, voice recognition module 10a32, ANI decoder 10a24);

processing (via system controller 11) and storing (via mainframe database 16 and message recorder; col. 17, lines 27-46); and

transferring to at least one live operator station (col. 12, lines 55-62; col. 13, lines 1-42) where at least certain digital data signals indicative of caller data are displayed (customer information, telephone number manually entered by the call and data already stored in database, is displayed at the operator terminal; col. 12, line 22 - col. 13, line 36); and

confirming (the operator verbally verifies caller data; col. 13, lines 40-42) .

Szlam differs from claims 36-38, 41-52, 58 in that it does not specify testing for use limit. However, as taught by Kauffman (col. 13, lines 59-65), it is well known in the interactive voice-

Art Unit: 2643

telephony art to test caller data for limiting the number of uses by the caller such that it would have been obvious to an artisan of ordinary skill to modify Szlam by incorporating the use of such testing of call data signals, as taught by Kauffman, in order to allow for the limiting of the number of system uses by callers.

Regarding claims 27, 32, Szlam shows an ANI decoder 10a24.

Regarding claims 28, 33-34, in Szlam, customer account information is automatically retrieved based on the ANI information and displayed (col. 12, line 29 - col. 13, line 42).

Regarding claims 29, 40, 45, Szlam provides for recording audio signals via a message recorder for later playback to an operator terminal (col. 17, lines 27-46).

Regarding claims 30 and 41, the messages can be in analog or digital form (col. 17, lines 32-34).

6. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Szlam and Kauffman, as applied to claim 41 above, and further in view of Gordon.

The combination of Szlam and Kauffman differs from claim 44 in that it does not specify testing credit card number data. However, Szlam is directed to a "customer" account servicing system which allows for sales transactions (placing an order from a catalog or advertisement, col. 1, lines 17-20, 45-48) and Gordon teaches the well known receiving of credit card number data from new customers (col. 2, line 65 - col. 3, line 3) such that it would have been obvious to an artisan of ordinary skill to incorporate such receiving and testing of credit card number data

Art Unit: 2643

from new customers, as taught by Gordon, within the combination of Szlam and Kauffman in order to allow for credit card payment of orders placed.

***Response to Arguments***

7. Applicant's arguments filed January 2, 2002 have been fully considered but they are not persuasive.

Applicant argues that the claims presented are supported by Applicant's parent application (S.N. 07/018,244), filed February 24, 1987. Applicant's claims recite, in various forms, "receiving signals relating to the remote terminals, including digital control signals, digital data signals, and audio signals." Applicant's specification describes the above feature being performed using a status register 56 which indicates the reception of data signals, control signals or audio signals with different connections being used to receive the different signal types (see page 12, line 3 - page 13, line 8). Applicant's parent application S.N. 07/018,244 does provide support for this feature.

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314.

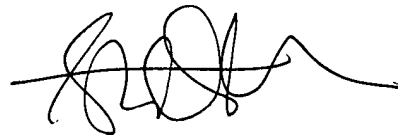


Art Unit: 2643

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella Woo whose telephone number is (703) 305-4395. Any general inquiries should be directed to the Customer Service Office at (703) 306-0377.

February 10, 2003

A handwritten signature in black ink, appearing to be 'Stella Woo', with a horizontal line drawn through the middle of the signature.

**STELLA WOO  
PRIMARY EXAMINER**